

## **EXHIBIT 22**

1  
2 UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
3 Case No. 18-CV-02468 (VB) (JCM)

-----X  
4 CARLOS FLORES, LAWRENCE BARTLEY, DEMETRIUS  
BENNETT, L'MANI DELIMA, EDGARDO LEBRON,  
5 ANTONIO ROMAN, DONTAE QUINONES and SHAROD  
LOGAN, on behalf of themselves and all  
6 others similarly situated,  
Plaintiffs,

7 - against -  
TINA M. STANFORD, as Chairwoman of the New  
8 York State Board of Parole; WALTER W.  
SMITH, as Commissioner of the New York  
9 State Board of Parole; JOSEPH P. CRANGLE,  
as Commissioner of the New York State  
10 Board of Parole; ELLEN E. ALEXANDER, as  
Commissioner of the New York State Board  
11 of Parole; MARC COPPOLA, as Commissioner  
of the New York State Board of Parole;  
12 TANA AGOSTINI, as Commissioner of the New  
York State Board of Parole; CHARLES DAVIS,  
13 as Commissioner of the New York State  
Board of Parole; ERIK BERLINER, as  
14 Commissioner of the New York State Board  
Of Parole; OTIS CRUSE, as Commissioner of  
15 the New York State Board of Parole; TYECE  
DRAKE, as Commissioner of the New York  
16 State Board of Parole; CARYNE DEMOSTHENES,  
As Commissioner of the New York State  
17 Board of Parole, MICHAEL CORLEY, as  
Commissioner of the New York State Board  
18 of Parole; CHANWOO LEE, as Commissioner of  
The New York State Board of Parole; SHEILA  
19 SAMUELS, as Commissioner of the New York  
State Board of Parole; ELSIE SEGARRA, as  
20 Commissioner of the New York State Board  
Of Parole; and CARLTON MITCHELL, as  
21 Commissioner of the New York State Board  
Of Parole,

22 Defendants.

-----X  
23 December 2, 2021  
9:10 a.m.

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25 (Continued on next page.)

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Remote video-teleconference  
deposition via Zoom of MICHELE STALEY,  
before SHARON PEARCE, RDR, CRR, CRC, NYRCR, a  
Registered Diplomate Reporter, Certified  
Realtime Reporter, Certified Realtime  
Captioner, and Notary Public of the State of  
New York.

1 STALEY

2 A. I am not aware of anyone that  
3 was.

4 Q. When is the first time that you  
5 personally did any work that related to  
6 COMPAS?

7 A. I'm guessing -- and again, this  
8 is thinking back quite a few years --  
9 probably 2014 is when we started -- I  
10 started being involved to a greater  
11 degree. I became aware of it after the  
12 merger because our office had  
13 responsibilities for reporting on parolees  
14 based on their supervision level, which  
15 was determined by COMPAS. So that would  
16 have been in, say, 20 -- early 2012 is  
17 when I became knowledgeable about it.

18 Q. Okay. And is it your  
19 understanding that early 2012 is the time  
20 when DOCCS implemented the use of  
21 so-called reentry COMPAS?

22 A. That is my recollection. It was  
23 early 2012.

24 Q. Why did DOCCS implement the use  
25 of reentry COMPAS in early 2012?

1 STALEY

2 A. So, again, I'm not -- you know,  
3 this is out of my area of expertise. But  
4 my understanding is that it was designed  
5 to be a tool to help assign parolees to  
6 caseloads based on the level of  
7 supervision that they required. So it was  
8 a way to determine whether a parolee would  
9 need a higher level of supervision or a  
10 lower level of supervision, and it was a  
11 way to put people in categories based on  
12 that, to assist with staff resource  
13 allocation.

14 Q. And did you also learn in the  
15 2012 timeframe that reentry COMPAS is used  
16 in making parole release decisions?

17 A. I don't believe I was aware of  
18 that at that point.

19 Q. Okay. Do you understand now  
20 that reentry COMPAS is used in making  
21 parole release decisions?

22 A. My understanding is that the  
23 COMPAS information is one of many criteria  
24 that are used in parole board  
25 decisionmaking, but I can't speak to how

1 STALEY

2 exactly it's utilized.

3 Q. Okay. If I've understood you  
4 right, you began to do some work as it  
5 related to COMPAS in 2012 but then started  
6 to do more work around 2014? Is that  
7 right?

8 A. '14 or '15. Yes.

9 Q. And what kind of work did you  
10 start doing as it related to COMPAS in  
11 2014 or '15?

12 A. So there were -- there were  
13 discussions that were starting within the  
14 department regarding the -- sort of the --  
15 I don't want to say -- well, just the  
16 number of questions that were involved in  
17 the COMPAS reentry instrument. It has a  
18 lot of questions, and it takes a long time  
19 for staff to administer.

20 So there were some discussions  
21 about -- with DCJS about trying to use  
22 existing state data to sort of get at the  
23 criminal history portion of the risk  
24 assessment instead of using -- instead of  
25 the requirement for DOCCS staff to read

1 STALEY

2 A. I do not know.

3 Q. Do you know whether the state  
4 considered developing a needs instrument  
5 in-house as ended up being done with the  
6 DCJS risk algorithm?

7 A. I am not aware of whether that  
8 was -- any discussion of that at that  
9 point.

10 Q. How does reentry COMPAS differ  
11 from reception COMPAS?

12 A. Without looking at the specific  
13 questions and scales, I can't tell you  
14 specifically. However, one key difference  
15 is that the re -- well, there are a couple  
16 of key differences. The reentry version  
17 is focused on looking at scales that  
18 relate to how a person will do after their  
19 release from custody. And so part of that  
20 is an absconder scale that's included in  
21 the reentry version as well as -- oh, in  
22 addition, there's a prison misconduct  
23 scale that's included. There are probably  
24 other difference, but those are the key  
25 ones that I'm aware of.

1 STALEY

2 Q. And we'll talk more about this,  
3 I'm sure, later in the day.

4 But is it the case that New York  
5 State worked with Northpointe to make  
6 certain modifications to the reentry  
7 COMPAS?

8 A. Yes.

9 Q. And is it your understanding  
10 that the New York State reentry COMPAS is  
11 a unique instrument that's used only in  
12 New York State?

13 A. That is my understanding.

14 Q. How about the reception COMPAS?  
15 Did New York State work with Northpointe  
16 to make modifications to the reception  
17 COMPAS?

18 A. I don't know.

19 Q. Do you know whether the  
20 reception COMPAS uses models that  
21 Northpointe also uses with other  
22 jurisdictions around the country?

23 A. My understanding is that it's  
24 similar to other jurisdictions, but I  
25 don't have firsthand knowledge how it



1 STALEY

2 compares with other jurisdictions.

3 Q. Why did New York State make  
4 modifications to the reentry COMPAS but  
5 not the reception COMPAS?

6 MR. HARBEN: Object to form.

7 Q. Let me re-ask the question this  
8 way.

9 Why did New York State make  
10 modifications to reentry COMPAS?

11 MR. HARBEN: Object. Object to  
12 form.

13 Q. You can answer. Go ahead.

14 A. So I was not involved in the --  
15 that process. I can't really speculate as  
16 to -- as to why they made changes to the  
17 standard instrument.

18 Q. All right. So from early 2012  
19 through the present, so for almost ten  
20 years now, DOCCS has been using reentry  
21 COMPAS; right?

22 A. Yes.

23 Q. Is it your understanding that  
24 DOCCS has been using the same model at the  
25 same time, the same underlying algorithms?

1 STALEY

2 A . [REDACTED]

3 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 A . [REDACTED]

8 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 A . [REDACTED]

12 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED]

1 STALEY

2 A. [REDACTED]

3 Q. To the best of your knowledge,  
4 in the time period from early 2012 until  
5 the present, when DOCCS has been using the  
6 New York modified reentry COMPAS, has  
7 anyone at DOCCS been familiar with that  
8 topic?

9 A. With how the specific algorithms  
10 are created? I'm going to say no.

11 Q. Okay. So is it fair to say that  
12 from the perspective of DOCCS, for the  
13 last ten years, the New York modified  
14 reentry COMPAS risk scores have been a  
15 black box?

16 A. I would say that that is fair to  
17 say, generally speaking, yes. Yes. It  
18 has been basically -- again, we know how  
19 the three scores -- the absconder risk,  
20 risk of any arrest, and risk of any  
21 violence -- we know how those interact and  
22 how those interacted regarding -- related  
23 to the supervision level. But as far as  
24 the specific nuances, it was definitely  
25 not any kind of common knowledge. No.

1 STALEY

2 Q. And when you say that DOCCS knew  
3 how the three risk scores -- the ab  
4 discounter risk, the arrest risk, and the  
5 violent felony arrest risk -- interact as  
6 it relates to the supervision level, are  
7 you talking about the step where you go  
8 from the decile that an individual gets  
9 for each of the three risk scales to the  
10 parole supervision level?

11 A. Correct.

12 Q. Okay?

13 MR. HARBEN: Ms. Staley, are you  
14 hearing everything okay, or is it just  
15 me? Are you hearing everything  
16 Mr. Ryan is asking? It's chopping up  
17 for me, but it might be on my end.

18 THE WITNESS: I'm hearing him  
19 okay.

20 Q. All right. But in terms of how  
21 to get from the answers to the questions  
22 on the COMPAS questionnaire to the risk  
23 score deciles, that process, so far as you  
24 know, has been a black box for DOCCS over  
25 the past ten years; right?

1 STALEY

2 A. Yes.

3 Q. Have you had any concerns about  
4 that?

5 A. There have -- have I personally  
6 had concerns?

7 Q. Yes.

8 A. At certain points, it would be  
9 helpful to have known exactly how things  
10 were weighted and how they fed into each  
11 other. For example -- well, I don't  
12 really have a good example. But yes,  
13 there have been points in time -- and I --  
14 when it would have been helpful to have a  
15 better understanding of how those -- how  
16 the questions actually related to the  
17 scales and the ultimate risks -- risk  
18 scores. Yes.

19 Q. Have you or has anybody else at  
20 DOCCS, to your knowledge, ever asked  
21 Northpointe for that information?

22 A. I have not personally asked. I  
23 believe it may have been asked at points  
24 when there were potentially FOIL requests  
25 or other types of requests. I believe it

1 STALEY

2 has been. It may have been asked. But I  
3 have not personally made that inquiry, and  
4 I'm not directly aware of inquiries made  
5 to them about it.

6 Q. Okay. And FOIL is the Freedom  
7 of Information Law?

8 A. Yes.

9 Q. What do you know about FOIL  
10 requests relating to COMPAS?

11 A. I don't know a whole lot about  
12 them because any kind of FOIL requests for  
13 COMPAS would not have come to my office,  
14 because my office doesn't maintain that  
15 information. We use it, but we're not the  
16 keepers of the data.

17 Q. Okay. Have you come to learn  
18 somehow about FOIL requests that related  
19 to COMPAS?

20 A. I don't remember specifics. We  
21 have a lot. It's quite possible I may  
22 have been involved to a certain degree in  
23 a FOIL request, but we have so many, that  
24 it's hard for me to remember specifics.

25 Q. Okay. So I asked you about

1 STALEY

2 whether you were aware whether anybody at  
3 DOCCS had asked Northpointe for any of  
4 this information about how their risk  
5 score algorithms worked, and you said that  
6 that might have come up in FOIL requests,  
7 if I heard you right.

8 A. Potentially. Again, I don't  
9 remember specifically.

10 Q. Okay. And do you -- do you have  
11 any actual knowledge one way or the other,  
12 whether you were directly involved or not,  
13 about any FOIL requests regarding COMPAS?

14 A. I really can't think of -- I  
15 can't remember off the top of my head any  
16 FOIL requests involving COMPAS.

17 Q. Okay. And are you aware of any  
18 other communications between DOCCS and  
19 Northpointe over the last ten years where  
20 DOCCS asked for information about the risk  
21 algorithms?

22 A. I'm trying -- it's -- I can't  
23 remember specifically. I can't remember a  
24 specific -- specific request.

25 Q. Okay. Are you aware of any

1 STALEY

2 instance in which Northpointe refused to  
3 provide information to DOCCS about how the  
4 New York modified COMPAS reentry risk  
5 scores work?

6 A. I don't -- again, I don't recall  
7 specifically. It's possible that that  
8 happened, but I don't recall specifically  
9 at this moment.

10 Q. Okay. Have you --

11 A. And I wouldn't have made those  
12 requests myself directly.

13 Q. Okay. Have you had a view over  
14 the last decade as to whether DOCCS was  
15 entitled to get information from  
16 Northpointe about how the risk score  
17 algorithms for the New York modified  
18 reentry COMPAS work?

19 A. My understanding has been that  
20 it was proprietary information and that  
21 DOCCS or anyone else was not entitled to  
22 it.

23 Q. [REDACTED]  
24 [REDACTED]  
25 [REDACTED]



1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 Q. Okay. Because until you got  
9 ready for this deposition, you believed  
10 that that information was proprietary to  
11 Northpointe, and you did not expect  
12 Northpointe to share it with New York  
13 State in that detail; right?

14 A. That's correct.

15 Q. Do you have an understanding  
16 today as to whether the algorithms for the  
17 New York modified reentry COMPAS are  
18 proprietary to Northpointe?

19 A. Well, given -- given that they  
20 did give them to DOCCS, they certainly,  
21 you know, intended for DOCCS to have them.  
22 But I'm sure they're not releasing them  
23 publicly, and it would still be  
24 proprietary, as far as I understand.

25 Q. Who is --

1 STALEY

2 A. I think all their reports pretty  
3 much say "not for distribution" and that  
4 sort of thing.

5 Q. Who is Jennifer Bryant?

6 A. She is the assistant director in  
7 my office.

8 Q. All right. And so she reports  
9 directly to you?

10 A. Yes, she does.

11 Q. And how long have you worked  
12 with Ms. Bryant?

13 A. Since 2011 when our agencies  
14 merged.

15 Q. Did she come from the New York  
16 State Division of Parole?

17 A. Yes.

18 Q. Do you know whether Ms. Bryant  
19 had any involvement before the merger of  
20 the two agencies in working on COMPAS?

21 A. My understanding is she did not  
22 have involvement in working on COMPAS  
23 other than in a data support role. I  
24 believe that there may have been some data  
25 provided to Northpointe in order for them

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STALEY

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A. Yes. That's my understanding.

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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[REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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STALEY

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A. [REDACTED]

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Q. [REDACTED]

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A. [REDACTED]

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Q. Okay. So we spoke earlier about

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how reentry COMPAS has two different uses;

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right? One for helping to inform parole

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release decisions and the other for

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setting supervision levels for individuals

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who are released on parole; right?

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A. It is -- again, I would

25

reiterate that the COMPAS information is

1 STALEY

2 used as a -- one of many factors that is  
3 considered by the Board of Parole when  
4 making a release decision. However, my  
5 understanding is that the primary purpose  
6 of when -- especially when this was  
7 developed, was -- the primary purpose was  
8 for supervision decisions for people in  
9 the community on parole.

10 Q. Who is the basis for your  
11 understanding that the primary purpose  
12 when reentry COMPAS was developed was for  
13 setting supervision levels?

14 A. That's my understanding because  
15 of how my office has used the supervision  
16 level for our reporting. Supervision --  
17 in other words, there was a certain -- my  
18 understanding is that there was a certain  
19 amount of parole officers staffing  
20 resources.

21 And again, my understanding is  
22 that the primary reason for utilizing this  
23 risk instrument was to establish, amongst  
24 the people on parole, who were the --  
25 those that were most likely to re-offend

1 STALEY

2 so that parole resources could be devoted  
3 more heavily to those individuals, and the  
4 people that were -- that were least likely  
5 expected to have a lower probability of  
6 returning or re-offending would have --  
7 would not need as many staff resources  
8 devoted to them. So it was a way of  
9 allocating staff -- a limited supply of  
10 staff resources.

11 Q. [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 A. [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 Q. Yeah. And you're absolutely  
19 right. I didn't ask that in a very good  
20 way. So let me try to ask that in a  
21 better way.

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

STALEY

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Are you familiar with a 2011 statute that the legislature enacted that called for the use of a risk and needs instrument in making parole release decisions?

A. Yes. I'm aware that that legislation occurred.

Q. Okay. Is there a connection between that statute and when reentry COMPAS began to be used in early 2012 for parole release decisions?

A. I'm not aware of when the -- when the COMPAS information was -- began to be part of the Parole Board package. So I'm not really able to answer that

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STALEY

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question.

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Q.

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MR. HARBEN: Object to form.

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THE VIDEO TECHNICIAN: And

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Counsel, in about a few minutes, I'm

19

going to have to reset the video, so

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just giving you a heads up.

21

MR. RYAN: Thank you.

22

MR. HARBEN: We're going to have

23

to jump away at 11:00 for a little

24

while, because we have a conference in

25

this case.

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 MR. HARBEN: Object to the  
7 characterization of the [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 Q. You can answer, Ms. Staley.

10 A. Can you repeat the question,  
11 please?

12 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED]

18 MR. HARBEN: Object to form.

19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 MR. HARBEN: Object to form.

22 Mischaracterizes the document.

23 Q. Are you able to answer that,  
24 Ms. Staley?

25 A. So --

1 STALEY

2 MR. HARBEN: Same objection.

3 A. -- to my --

4 MR. HARBEN: You can answer, but  
5 I'm objecting to the way he's  
6 characterizing this document.

7 THE WITNESS: Okay.

8 A. [REDACTED]  
9 [REDACTED]

10 Q. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 A. [REDACTED]

15 Q. Okay.

16 A. [REDACTED]

17 Q. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]  
25 [REDACTED]

1 STALEY

2 [REDACTED]

3 MR. RYAN: So this, Evan, is  
4 Tab 1 in our binder. So Exhibit 5,  
5 we'll mark a document called [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 (Staley Exhibit 5, [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] was hereby marked for  
16 identification, as of this date.)

17 Q. And if you could just let us  
18 know, Ms. Staley, when that's popped up in  
19 the Exhibit Share.

20 A. Okay. It has popped up.

21 Q. Okay. And if you could just,  
22 you know, look at the cover page and the  
23 table of contents, again, is this one of  
24 the reports that you reviewed in  
25 preparation for your deposition today?

1

STALEY

2

A. Yes.

3

Q. [REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

A. [REDACTED]

9

Q. [REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

A. [REDACTED]

17

Q. Okay. So then if you could

18

turn, please, to page 8 of Exhibit 5. [REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

A. [REDACTED]

23

Q. [REDACTED]

24

[REDACTED]

25

[REDACTED]

STALEY

1

2

3

A .

4

Q .

5

6

A .

7

Q .

8

9

10

A .

11

Q .

12

13

14

A .

15

Q .

16

17

18

19

A .

20

Q .

21

22

A .

23

Q .

24

25

All right. So then if we turn  
to the following page of this document,  
page 9.

1

STALEY

2

3

4

A .

5

Q .

6

7

8

9

A .

10

Q .

11

12

13

14

15

A .

16

Q .

17

18

19

20

21

22

A .

23

24

25

Q .

Okay. And so is it your



STALEY

1

2

3

A .

4

Q .

5

6

7

8

9

10

A .

11

12

13

Q .

14

15

16

A .

17

Q .

Do you see that?

18

A .

Yes .

19

Q .

20

21

22

A .

23

Q .

24

25

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED]

17 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 Q. [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 A. [REDACTED]

1

STALEY

2

Q .

3

4

5

6

7

A .

8

9

Q .

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11

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13

A .

14

Q .

15

16

17

18

A .

19

Q .

20

21

22

23

A .

24

Q .

25

STALEY

identification, as of this date.)

MR. RYAN: This is, Evan, the  
next document in our binder. So this  
is a document entitled [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Q. And let us know, please,

Ms. Staley, when you've got Exhibit 6.

A. Okay. I have access.

Q. All right. And is Exhibit 61 of  
the documents that you reviewed in  
preparation for this deposition?

A. Yes.

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. [REDACTED] [REDACTED] [REDACTED]

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

2

3

4

**A.**

5

Q.

6

7

8

**A.**

9

10

11

Q. Do you believe that anybody at CS knows why New York State Division of Police staff made this request?

12

13

14

A. I don't believe anyone that's currently has an understanding about

15

16

17

Q. Do you know who the New York  
Division of Parole staff were who  
made this request of Northpointe?

18

19

20

A. No, I do not.

21

Q.

22

23

24

**A.**

25

Q.

1

STALEY

2

3

4

A .

5

6

Q .

7

8

9

10

11

12

A .

13

Q .

14

15

16

17

A .

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22

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25

STALEY

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Q .

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A .

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Q .

10

11

A .

12

Q .

13

14

A .

15

16

Q .

17

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22

A .

23

MR. HARBEN: We're on page 6

24

now?

25

MR. RYAN: Page 2 of Exhibit 6.



1 STALEY

2 It's page 86902.

3 Q. What is a stepwise survival  
4 modeling approach, Ms. Staley?

5 A. It's -- it's not something I use  
6 in my everyday workplace, and I haven't  
7 studied this since I was in graduate  
8 school. But my general understanding is  
9 it's an approach that allows you to put in  
10 various factors into an analysis model,  
11 and stepwise means you put a different  
12 factor in each step of the process to see  
13 how much predictive capability each factor  
14 adds or each variable adds.

15 Q. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED]

STALEY

1

2

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4

5

A.

6

7

Q.

8

9

10

11

A.

12

13

Q.

Are you familiar with the term

14

"overfitting"?

15

A.

I have heard the term. Yes.

16

Q.

And what does "overfitting"

17

mean?

18

A.

I believe it's where you try to

19

fit a model to a population that it may

20

not have been developed with, that might

21

not fit as it would have -- it might not

22

fit as well as one would expect or hope.

23

But again, it's not something I use

24

routinely in my work life, so I could be

25

mischaracterizing that.

1 STALEY

2 Q. Is overfitting when a model is  
3 developed based on a particular dataset  
4 and it's then picking up noise or  
5 arbitrary characteristics from that  
6 dataset leading to an apparently higher  
7 correlation than would apply if the model  
8 were applied to a new dataset?

9 A. That -- that sounds correct to  
10 me. Yes.

11 Q. [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 A. [REDACTED]  
16 [REDACTED]

17 Q. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 A. [REDACTED]

24 Q. If you could turn, please, to  
25 page 5.

1 STALEY

2 A . Okay .

3 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 A . [REDACTED]

8 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED]

11 A . [REDACTED]

12 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1

STALEY

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Q .

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A .

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Q .

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A .

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MR. RYAN: That's a fair

1

STALEY

2

question, Jeb. Let me ask the

3

question both ways.

4

Q.

5

6

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10

11

A.

12

13

Q.

14

15

16

17

A.

18

19

Q.

20

21

22

23

24

25

1 STALEY

2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 A. [REDACTED]

14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED]

18 A. Give me a moment to review.

19 (Witness perusing document.)

20 MR. HARBEN: Can I take a pause?

21 Because my doorbell is ringing and I

22 don't know what it is.

23 MR. RYAN: Yes. That's fine.

24 THE VIDEO TECHNICIAN: The time

25 is 12:15. We are off the record.

1 STALEY

2 (Recess)

3 THE VIDEO TECHNICIAN: The time  
4 is 12:16. We are on the record.

5 BY MR. RYAN:

6 Q. [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 A. [REDACTED]  
12 [REDACTED]

13 Q. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 A. [REDACTED]  
20 [REDACTED]

21 Q. Okay. So if you could then  
22 turn, please, to page 15 of Exhibit 6,  
23 Bates number ending in 86915.

24 A. Yes.

25 Q. [REDACTED]



1

STALEY

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A .

5

Q .

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A .

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Q .

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A .

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16

Q .

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18

19

20

A .

21

Q .

22

23

24

A .

25

1

STALEY

2

[REDACTED]

3

[REDACTED]

4

A . [REDACTED]

5

[REDACTED]

6

[REDACTED]

7

Q . [REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

A . [REDACTED]

14

Q . [REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

A . [REDACTED]

22

Q . [REDACTED]

23

[REDACTED]

24

[REDACTED]

25

[REDACTED]

1

STALEY

2

3

4

A .

5

Q .

6

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8

A .

9

Q .

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13

A .

14

Q .

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16

17

18

19

20

A .

21

Q .

22

23

24

A .

25

1

STALEY

2

[REDACTED]

3

Q . [REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

A . [REDACTED]

11

[REDACTED]

12

Q . [REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

A . [REDACTED]

21

[REDACTED]

22

Q . [REDACTED]

23

[REDACTED]

24

[REDACTED]

25

A . [REDACTED]

1

STALEY

2

[REDACTED]

3

Q . [REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

A . [REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

Q . [REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

A . [REDACTED]

24

[REDACTED]

25

[REDACTED]

1 STALEY

2 gave -- does that mean that if we've got  
3 two groups of people, one who recidivate  
4 and one who don't recidivate, and we  
5 randomly select somebody from the  
6 recidivating group, that there's a  
7 70 percent chance that that person's risk  
8 score will be higher than the risk score  
9 of someone we randomly select from the  
10 non-recidivating group?

11 A. Again, I'm not comfortable  
12 speculating on that. It's been too long  
13 since I've had -- I've worked with them  
14 regularly.

15 Q. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 A. [REDACTED]  
20 [REDACTED]

21 Q. Okay. But you would agree with  
22 me that a high area under the curve does  
23 not mean that COMPAS is good as predicting  
24 whether a particular individual is going  
25 to re-offend.

1 STALEY

2 A. That is -- that's correct.

3 Q. All right. Now, we've been  
4 talking a lot about these risk scores,  
5 these three risk scores that are included  
6 in New York State reentry COMPAS. There  
7 are also a whole variety, a dozen or more,  
8 needs scales; right?

9 A. Yes.

10 Q. And is it your understanding  
11 that those needs scales were developed to  
12 try to capture needs during a parole  
13 supervision period?

14 A. That is my understanding.

15 Q. All right.

16 A. Yes.

17 Q. There's no necessary correlation  
18 between the score on a particular needs  
19 scale and the likelihood that somebody  
20 will re-offend, is there?

21 A. I'm not sure that I can -- I'm  
22 not sure that I can answer that. I mean,  
23 based on -- I don't know.

24 Q. Okay. Let me see if I can ask  
25 it a different way which is clearer.

1 STALEY

2 Do you agree with me that  
3 Northpointe developed the three risk  
4 scores to try to measure correlation  
5 between the risk score and the particular  
6 outcome at issue, one of those three  
7 outcomes, but that is not why Northpointe  
8 developed the needs scores?

9 A. I really can't speculate about  
10 exactly why the needs were developed or  
11 what the intention was.

12 Q. Okay. And let me just maybe ask  
13 it one other way.

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 A. [REDACTED]  
25 [REDACTED]



1

STALEY

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A .

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Q .

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1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 A. [REDACTED] [REDACTED] [REDACTED]

9 Q. All right. Let's look at  
10 another document.

11 MR. RYAN: This will be Tab 1E  
12 in the binder, Evan. So this will be  
13 Exhibit 9. And [REDACTED] [REDACTED] [REDACTED]  
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED]

16 (Staley Exhibit 9, [REDACTED]  
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
18 [REDACTED] was hereby marked for  
19 identification, as of this date.)

20 Q. And while this document is being  
21 loaded, let me ask you, Ms. Staley, do you  
22 know Catherine Jacobsen from DOCCS?

23 A. Yes.

24 Q. Who is Ms. Jacobsen?

25 A. She is now retired. She was an

1 STALEY

2 assistant commissioner for program  
3 services who oversaw COMPAS while she was  
4 in that position. She then became a  
5 superintendent.

6 Q. Okay. And so your understanding  
7 is that she was knowledgeable about  
8 COMPAS?

9 A. Yes.

10 Q. Okay. So do you now have  
11 Exhibit 9 in your Exhibit Share?

12 A. Yes, I do.

13 Q. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 A. [REDACTED]

21 Q. Who is Mr. O'Brien?

22 A. He is the director of operations  
23 for community supervision at DOCCS.

24 Q. Got it. Okay.

25 And do you see that Ms. Jacobsen

1 STALEY

2

3

A. [REDACTED]

4

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5

6

Who is Ms. Kelderhouse?

7

A. I don't recall her position, but

8

she was -- she is one of the people over

9

the years that we have worked with at

10

Northpointe. She would have been one of

11

the people on the regular calls -- the

12

regular steering committee calls.

13

Q. And is it your understanding

14

that Equivant is another name for

15

Northpointe?

16

A. Yes.

17

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20

[REDACTED] [REDACTED] [REDACTED]

21

A. [REDACTED]

22

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

STALEY

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1 STALEY

2 [REDACTED] [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED]

9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED]

17 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

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Q . [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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Q . [REDACTED]

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1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 A. [REDACTED]

6 Q. Who is Mike?

7 A. That would have been Mike

8 Buckman, who was the former director of  
9 policy analysis for the Division of Parole  
10 prior to the merger of the Division of  
11 Parole and DOCCS. He has since retired.

12 Q. Okay. And director of policy  
13 analysis, was that a name for something  
14 that's similar to your group today?

15 A. Yes. It was essentially the  
16 research office for the Division of  
17 Parole. And when the department merged  
18 with the division, that office merged with  
19 my office.

20 Q. Got it. Ms. Bryant then came  
21 over from that office.

22 A. Correct.

23 Q. And did Mike Buckman continue to  
24 work at DOCCS after the merger of the two  
25 agencies?



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1 STALEY

2 [REDACTED] [REDACTED] [REDACTED]

3 A. [REDACTED] [REDACTED] [REDACTED]

4 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

STALEY

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10 Q. Okay. All right. I'm done with  
11 this document.

12 Let me just find my question  
13 here.

14 Are you aware that the Board of  
15 Parole has a regulation about periodically  
16 validating a risk assessment instrument?

17 A. No, I am not aware of that.

18 Q. Okay. And you're not aware of  
19 any periodic validation that's been done  
20 on the New York State reentry COMPAS;  
21 right?

22 A. I am not aware of one, no.

23 Q. All right. And the next  
24 document will be Exhibit 12.

25 MR. RYAN: And this is Tab 12 in

1 STALEY

2 the binder, Evan. [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED]

5 (Staley Exhibit 12, [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] was hereby marked for  
8 identification, as of this date.)

9 A. Okay.

10 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 A. [REDACTED]

17 Q. Do you know Mary Vann?

18 A. Yes. She's a former assistant  
19 commissioner for program services at  
20 DOCCS, currently a superintendent.

21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 A. [REDACTED]

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Q.

Okay. So let's go back to

the -- this was in Exhibit 1, which is the

list of 30(b)(6) topics on the last page

of Exhibit 1.

1 STALEY

2 A. Okay.

3 Q. So Topic 1, "DOCCS' selection of  
4 COMPAS," do you have any information on  
5 that topic that we have not discussed  
6 already?

7 A. No.

8 Q. Topic 2, "The search criteria  
9 employed by DOCCS for a risk/needs tool."  
10 If I understand right, you don't  
11 have any information on that topic; is  
12 that right?

13 A. That's correct.

14 Q. Okay. Let's just skip 3 and 4  
15 for a moment, because I'm going to come to  
16 those in a few minutes.

17 Topic 5 is "Customization of  
18 COMPAS for New York State"; right?

19 A. Yes.

20 Q. Okay. And we've obviously spent  
21 some time today talking about that topic.

22 Do you have any information  
23 about the customization of COMPAS for New  
24 York State that we've not talked about  
25 already today?



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STALEY

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5

[REDACTED] [REDACTED] [REDACTED]

6

A . [REDACTED]

7

Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19

[REDACTED]

20

A . [REDACTED]

21

Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

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Q.

Has DOCCS ever tried to do a study of that question, that is, to see how consistent COMPAS scores are from one assessment to the next?

Not to my knowledge.

Are you aware of any study that

1 STALEY

2 DOCCS has done to try to see what the rate  
3 of staff error is in entering data for the  
4 COMPAS instrument?

5 A. Not -- not that I am aware of.  
6 But again, I don't -- I'm not  
7 operationally involved in the  
8 administration of them. But I'm not aware  
9 of an effort like that.

10 Q. Okay. Is that something that  
11 Ms. MacTavish would be perhaps more  
12 familiar with than you?

13 A. Potentially.

14 Q. And you and she worked together  
15 on this PowerPoint presentation to  
16 executive staff here in Exhibit 13; right?

17 A. That is -- that's what I recall.  
18 Yes.

19 Q. If we go to Tab 21 -- I keep  
20 saying tab -- to Slide 21 in this  
21 PowerPoint deck. Excuse me.

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

12

[REDACTED]

13

A. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

19

Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

1 STALEY

2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 Q. Okay. If you're trying to use  
13 the instrument to predict the risk that  
14 someone will actually commit a felony  
15 offense as opposed to the risk that  
16 somebody will get arrested, do you agree  
17 that it would be better to correlate with  
18 conviction outcomes and not all arrest  
19 outcomes?

20 A. Convictions would be helpful to  
21 have for that type of a scenario.

22 Q. Let me turn to Slide 34.

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 A. [REDACTED]

1 STALEY

2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
13 [REDACTED] [REDACTED] [REDACTED]  
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 A. [REDACTED] [REDACTED]

19 Q. And your understanding is that  
20 DOCCS couldn't inform folks who are up for  
21 parole of what the relative weighting of  
22 the factors is; right?

23 A. At the time that this was done,  
24 we weren't aware that we even had  
25 information that was -- that pertained to



1 STALEY

2 this. We didn't know that we had that  
3 information to even be sure. So it wasn't  
4 something I thought about.

5 Q. Okay. All right. So at the  
6 time that you prepared this slide deck in  
7 2017, you didn't even know that DOCCS had  
8 the information from Northpointe to begin  
9 with; right?

10 A. Correct.

11 Q. And you came to learn that in  
12 the last few weeks or months, as you  
13 prepared to give this deposition; right?

14 A. Yes, a shorter timeframe, but  
15 yes.

16 Q. Okay. You learned this just in  
17 the last week or two as you prepared to  
18 give this deposition; is that right?

19 A. Yes. Fair to say.

20 Q. But even as you sit here today,  
21 it's your understanding that DOCCS would  
22 not be permitted by Northpointe to share  
23 these Northpointe risk algorithms with  
24 parole release applicants; right?

25 A. That is my understanding.

1 STALEY

2 Q. Okay. To the best of your  
3 knowledge, has DOCCS ever shared these  
4 algorithms with the Board of Parole?

5 A. I am not aware that they've  
6 been -- I don't know. I don't know if  
7 they've been shared with the Board of  
8 Parole.

9 Q. Okay. To the best of your  
10 knowledge, the algorithms in the New York  
11 modified reentry COMPAS are black boxed  
12 for the Board of Parole commissioners as  
13 well; right?

14 A. Again, as far as -- I have no  
15 knowledge if they had any insight into  
16 them. I don't know.

17 Q. Okay. When you and  
18 Ms. MacTavish prepared this slide  
19 presentation in Exhibit 13, you believed  
20 that transparency in a risk instrument was  
21 generally a good thing; right?

22 A. Yes.

23 Q. And you thought it would be  
24 better if DOCCS could provide transparency  
25 into how the risk instrument works; right?

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A .

1 STALEY

2 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED]

5 A . [REDACTED]

6 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED]

10 A . [REDACTED]

11 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 A . [REDACTED]

19 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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[REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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Q. [REDACTED]

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[REDACTED]

1 STALEY

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q . [REDACTED] [REDACTED] [REDACTED]

4 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED]

6 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 Q . [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 A . [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]

1 STALEY

2 Q. Are you aware of anyone who has  
3 been asked by their supervisor to go and  
4 try to figure out what the error rate in  
5 these COMPAS assessment forms is?

6 MR. HARBEN: Are you asking  
7 state-wide? Facility-wide? Where --

8 MR. RYAN: Anywhere -- I have a  
9 DOCCS 30(b)(6) witness, and I'm asking  
10 about DOCCS.

11 Q. Are you aware of anybody in  
12 DOCCS who has been asked to do that,  
13 Ms. Staley?

14 A. I am not personally aware of  
15 people -- anyone being asked to do that.  
16 That doesn't mean it has not happened.  
17 I'm just not aware of it.

18 Q. Okay. One of the topics on  
19 which you're designated as a witness here  
20 today is DOCCS' administration of COMPAS;  
21 right?

22 A. Yes.

23 Q. Okay. And you understand that  
24 you're providing testimony on behalf of  
25 DOCCS on that topic; right?

1 STALEY

2 A. I do understand that.

3 Q. Okay. And as the witness on  
4 DOCCS' administration of COMPAS, you're  
5 not familiar with anybody in DOCCS being  
6 asked to study what the error rate is;  
7 right?

8 A. I am not familiar.

9 Q. At some point in time, did DOCCS  
10 start providing copies of portions of the  
11 COMPAS risk assessment to individuals who  
12 were coming up for a parole release  
13 interview?

14 A. I'm not familiar with  
15 operationally what materials are provided  
16 to incarcerated individuals prior to their  
17 Parole Board interview.

18 Q. Okay. Let me show you  
19 exhibit --

20 MR. RYAN: This will be  
21 Exhibit 17. Right? It's Tab 21 in  
22 our binder, Evan. And this is a  
23 document -- it appears to be an  
24 official DOCCS directive.  
25



1 STALEY

2 (Staley Exhibit 17, DOCCS  
3 Directive 8500 dated August 14, 2019,  
4 was hereby marked for identification,  
5 as of this date.)

6 MR. RYAN: Here we go. This is  
7 Directive No. 8500 dated  
8 August 14, 2019.

9 A. Okay. I see that.

10 Q. What is a DOCCS directive?

11 A. Essentially, it's a policy that  
12 provides guidance for various, many, many  
13 policies in the department.

14 Q. And do you see that the title of  
15 this directive is "COMPAS Assessments/Case  
16 Plan"?

17 A. Yes.

18 Q. Are you familiar with Directive  
19 No. 8500?

20 A. Not -- no.

21 Q. Do you know whether there are  
22 any other DOCCS directives that relate to  
23 COMPAS?

24 A. No, I do not.

25 Q. Do you know who the individual

1 STALEY

2 assessment is a tool developed primarily  
3 to assist community supervision in the  
4 allocation of parole supervision  
5 resources."

6 Do you agree with that?

7 A. Yes.

8 Q. So would you agree, then, that  
9 the COMPAS reentry risk and needs  
10 assessment was not developed primarily to  
11 assist the Board of Parole in making  
12 parole release decisions?

13 A. That's -- my understanding is it  
14 was primarily developed to assist with the  
15 allegation of parole supervision  
16 resources.

17 Q. And indeed, is it your  
18 understanding that when the COMPAS reentry  
19 tool was developed, it wasn't even  
20 contemplated that it would be used to help  
21 guide parole release decisions?

22 A. I can't speculate, since I  
23 wasn't involved at that time.

24 Q. All right. But you're not aware  
25 of any consideration of that use of COMPAS

1 STALEY

2 reentry when it was developed; right?

3 A. I am not aware of it being  
4 intended for any other use at the time it  
5 was developed.

6 Q. Any other use other than the  
7 allocation of parole supervision  
8 resources; right?

9 A. Correct.

10 Q. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 A. [REDACTED]

20 MR. HARBEN: May I interject  
21 here for a moment that this appears to  
22 be a document that was inadvertently  
23 produced, at least in whole or  
24 possibly in part, and we'll reserve  
25 our right on it to request a clawback

1 STALEY

2 once I've had the opportunity to go  
3 through it further. It's in front of  
4 the witness now, so continue.

5 MR. RYAN: Okay. I don't  
6 believe it is actually privileged.  
7 But I see it does bear that ledger.

8 BY MR. RYAN:

9 Q. All right. Why don't we take a  
10 quick break while I see if I have any  
11 further questions, Ms. Staley.

12 THE VIDEO TECHNICIAN: Counsel,  
13 the time is 4:25. We are off the  
14 record.

15 (Recess)

16 THE VIDEO TECHNICIAN: The time  
17 is 4:27. We are on the record.

18 MR. RYAN: Ms. Staley, thank you  
19 for your time. Those are all the  
20 questions I have for you today.

21 I will follow up with you, Jeb,  
22 because I do think that there are a  
23 number of 30(b)(6) topics, you know,  
24 that the witness was not adequately  
25 prepared on. But, you know, there's

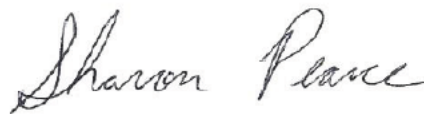
CERTIFICATION

I, SHARON PEARCE, RDR, CRR, CRC,  
NYRCR, a Notary Public for and within the  
State of New York, do hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 13th day of December,  
2021.



-----  
SHARON PEARCE

RDR , CRR, CRC, NYRCR

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